

Jackson
Signature of Sponsor

AMEND Senate Bill No. 2217

House Bill No. 1901*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-107, is amended by deleting the section in its entirety and substituting instead the following:

(a) For purposes of this part, "another," "individual," "individuals," and "another person" includes an unborn child at every stage of gestation from conception until live birth when any such term refers to the victim of any act made criminal by the provisions of this part.

(b) In a prosecution for the assault or reckless endangerment of an unborn child, nothing in this part shall apply to:

(1) An act committed by the mother of the unborn child;

(2) A medical procedure, including abortion, performed by a physician or other licensed health care provider at the request of the pregnant woman or her legal guardian; or

(3) The lawful dispensation or administration of a lawfully prescribed medication.

(c) As used in this section:

(1) "Abortion" has the same meaning as set out in § 39-15-201(a)(1).

(2) "Conception" means the fusion of a human spermatozoon with a human ovum.

(3) "Gestation" means the time during which a woman carries an unborn child in her body from conception to birth.

(4) "Pregnant" means the female reproductive condition of having an unborn child in the woman's body.

(5) "Unborn child" means the offspring of human beings from conception until birth.

(d) Nothing in this section shall be construed to amend the provisions of § 39-15-201, or §§ 39-15-203 - 39-15-205 and 39-15-207.

(e) It is the legislative intent that this section shall in no way affect abortion which is legal in Tennessee. This section shall in no way apply to acts which are committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment.

SECTION 2. Tennessee Code Annotated, Section 39-13-214, is amended deleting the section in its entirety and substituting instead the following:

a) For purposes of this part, "another" and "another person" includes an unborn child at every stage of gestation from conception until live birth when any such term refers to the victim of any act made criminal by the provisions of this part.

(b) In a prosecution for the death an unborn child, nothing in this part shall apply to:

(1) An act committed by the mother of the unborn child;

(2) A medical procedure, including abortion, performed by a physician or other licensed health care provider at the request of the pregnant woman or her legal guardian; or

(3) The lawful dispensation or administration of a lawfully prescribed medication.

(c) As used in this section:

(1) "Abortion" has the same meaning as set out in § 39-15-201(a)(1).

(2) "Conception" means the fusion of a human spermatozoon with a human ovum.

(3) "Gestation" means the time during which a woman carries an unborn child in her body from conception to birth.

(4) "Pregnant" means the female reproductive condition of having an unborn child in the woman's body.

(5) "Unborn child" means the offspring of human beings from conception until birth.

(d) Nothing in this section shall be construed to amend the provisions of § 39-15-201, or §§ 39-15-203 - 39-15-205 and 39-15-207.

(e) It is the legislative intent that this section shall in no way affect abortion which is legal in Tennessee. This section shall in no way apply to acts which are committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.